

CHAPTER 1116

ROOM AND BOARD CHARGES FOR CERTAIN PRISONERS

S.F. 2254

AN ACT relating to charges for room and board by certain prisoners.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 356.7, subsection 1, Code Supplement 1997, is amended to read as follows:

1. The county sheriff may charge a prisoner who is eighteen years of age or older and who has been convicted of a criminal offense or sentenced for contempt of court for violation of a domestic abuse order for the room and board provided to the prisoner while in the custody of the county sheriff. Moneys collected by the sheriff under this section shall be credited to the county general fund and distributed as provided in this section. If a prisoner who has been convicted of a criminal offense or sentenced for contempt of court for violation of a domestic abuse order fails to pay for the room and board, the sheriff may file a room and board reimbursement claim with the district court as provided in subsection 2. The county attorney may file the room and board reimbursement claim on behalf of the sheriff and the county. This section does not apply to prisoners who are paying for their room and board by court order pursuant to sections 356.26 through 356.35.

Sec. 2. Section 602.8107, subsection 4, unnumbered paragraph 2, Code Supplement 1997, is amended to read as follows:

This subsection does not apply to amounts collected for victim restitution, the victim compensation fund, criminal penalty surcharge, ~~or~~ amounts collected as a result of procedures initiated under subsection 5 or under section 421.17, subsection 25, or sheriff's room and board fees.

Approved April 17, 1998

CHAPTER 1117

SEARCH WARRANT APPLICATIONS

S.F. 2259

AN ACT relating to search warrant applications.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 808.3, Code 1997, is amended to read as follows:
808.3 APPLICATION FOR SEARCH WARRANT.

A person may make application for the issuance of a search warrant by submitting before a magistrate a written application, supported by the person's oath or affirmation, which includes facts, information, and circumstances tending to establish sufficient grounds for granting the application, and probable cause for believing that the grounds exist. The application shall describe the person, place, or thing to be searched and the property to be seized with sufficient specificity to enable an independent reasonable person with reasonable effort to ascertain and identify the person, place, or thing. If the magistrate issues the search warrant, the magistrate shall endorse on the application the name and address of all

persons upon whose sworn testimony the magistrate relied to issue the warrant together with the abstract of each witness' testimony, or the witness' affidavit. However, if the grounds for issuance are supplied by an informant, the magistrate shall identify only the peace officer to whom the information was given ~~but shall include a determination that the information appears credible either because sworn testimony indicates that the informant has given reliable information on previous occasions or because the informant or the information provided by the informant appears credible for reasons specified by the magistrate.~~ The application or sworn testimony supplied in support of the application must establish the credibility of the informant or the credibility of the information given by the informant. The magistrate may in the magistrate's discretion require that a witness upon whom the applicant relies for information appear personally and be examined concerning the information.

Approved April 17, 1998

CHAPTER 1118

CONSERVATORSHIP ASSETS

H.F. 2169

AN ACT raising the limit on the amount of assets subject to a conservatorship in cases where a private nonprofit corporation serves as conservator and providing for an increase in the amount of assets in a minor ward's conservatorship eligible for an order for termination of the conservatorship and for delivery of the conservatorship assets to certain custodians.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 633.63, subsection 3, Code 1997, is amended to read as follows:

3. A private nonprofit corporation organized under chapter 504 or 504A is qualified to act as a guardian, as defined in section 633.3, subsection 19,* or a conservator, as defined in section 633.3, subsection 7, where the assets subject to the conservatorship at the time when such corporation is appointed conservator are less than fifteen or equal to seventy-five thousand dollars and the corporation does not possess a proprietary or legal interest in an organization which provides direct services to the individual.

Sec. 2. Section 633.681, Code 1997, is amended to read as follows:

633.681 ASSETS OF MINOR WARD EXHAUSTED.

When the assets of a minor ward's conservatorship are exhausted or consist of personal property only of an aggregate value not in excess of ~~four~~ ten thousand dollars, the court, upon application or upon its own motion, may terminate the conservatorship ~~and.~~ The order for termination shall direct the conservator to deliver the any property remaining after the payment of allowed claims and expenses of administration to the parent or other person entitled to the custody of the minor ward, for the use of the ward, after payment of allowed claims and expenses of administration a custodian under any uniform transfers to minors Act. Such delivery shall have the same force and effect as if delivery had been made to the ward after attaining majority.

Approved April 17, 1998

* Subsection 20 probably intended